

#454

BILL NO. G-91-~~41~~ 38

GENERAL ORDINANCE NO. G- 06-91

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a dedicated right-of-way thereof.

WHEREAS, a petition to vacate a dedicated right-of-way  
within the City of Fort Wayne (as more specifically  
described below) was duly filed with the City Planning  
Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-  
4-12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
dedicated right of way within the City of Fort Wayne, more  
specifically described as follows, to-wit:


Clay Street from the North right-of-way of Wallace  
Street to the North right-of-way of vacated alley  
(General Ordinance I-33-1978) 164' North of right-  
of-way of Wallace Street bounded on the East by  
Lot 179 Lewis Addition and bounded on the West by  
Lot 178 of Lewis Addition.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

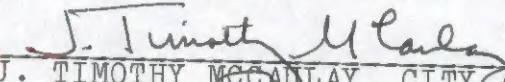
SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULEY, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1991,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk

FOUR STAR BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER



Read the first time in full and on motion by Henry, seconded by Bradbury, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 1-22-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>BRADBURY</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>BURNS</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>EDMONDS</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>HENRY</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>LONG</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>REDD</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>SCHMIDT</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>TALARICO</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>

DATED: 2-26-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-06-91 on the 26th day of February, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1991, at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of February, 1991, at the hour of 5:15 o'clock P. M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



Dated: 3 December 1990

We, The City of Fort Wayne  
(Applicant's Name or Names)

PETITION TO VACATE STREET  
(Street, Alley, Utility Easement, Plat)

Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following Street with the City of Fort Wayne, Indiana, and hereby described as follows:

Clay Street from the North right-of-way of Wallace Street to the North right-of-way of vacated alley (General Ordinance I-33-1978) 164' North of right-of-way of Wallace Street bounded on the East by Lot 179 Lewis Addition and bounded on the West by Lot 178 of Lewis Addition.

(Legal Description of property being vacated). If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

City owns all adjacent properties. Street is currently used solely by City employees. No potential for public use. Vacating would enable City to use for much needed parking.

(f additional space is needed use reverse side).

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the Vacation s described.

WHEREFORE, your petitioner(s) pray that the above-described Street be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 3RD DAY OF DECEMBER, 1990.

City of Fort Wayne  
Adjacent Property Owner  
Typed Name

One Main Street 46802  
Address Zip

Signature

City of Fort Wayne  
Adjacent Property Owner  
Typed Name

One Main Street 46802  
Address Zip

Signature



## RESOLUTION

WHEREAS, the CITY OF FORT WAYNE, INDIANA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Clay Street from the North right-of-way of Wallace Street to the North right-of-way of vacated alley (General Ordinance I-33-1978) 164' North of right-of-way of Wallace Street bounded on the East by Lot 179 Lewis Addition and bounded on the West by Lot 178 of Lewis Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated portion of right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated portion of right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of a portion dedicated right of way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held February 6, 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 6 DAY OF February 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton  
Director of Public Works

Michael McAlexander  
Director of Public Safety

Douglas M. Lehman  
Director of Administration & Finance



## RESOLUTION

WHEREAS, the CITY OF FORT WAYNE, INDIANA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Clay Street from the North right-of-way of Wallace Street to the North right-of-way of vacated alley (General Ordinance I-33-1978) 164' North of right-of-way of Wallace Street bounded on the East by Lot 179 Lewis Addition and bounded on the West by Lot 178 of Lewis Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 28, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated portion of right of way.

WHEREAS, said vacation of dedicated portion of right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated portion of right of way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated portion of right of way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated portion of right of way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated portion of right of way in Allen County, Indiana.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held February 4, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 5th DAY OF February 1991

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary



BILL NO. G-91-01-38

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
a dedicated right-of-way thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas C. Henry*

*David C. Long*  
*Edmonds*  
*Schmidt*

DATED: *2-26-91*

Sandra E. Kennedy  
City Clerk

#454

ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE** Street Vacation Ordinance

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** Clay Street North of Wallace between Lafayette & Monroe

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*91-01-38*

**EFFECT OF PASSAGE** Property is presently dedicated right of way. Property will be vacated and be closed to the public.

\_\_\_\_\_  
\_\_\_\_\_

**EFFECT OF NON-PASSAGE** Property will remain dedicated right of way.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



**FACT SHEET**

G-91-01-38

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Street Vacation Ordinance

**DETAILS****Specific Location and/or Address**

Clay Street north of Wallace Street between Lafayette &amp; Monroe Streets.

**Reason for Project**

Employee Parking

**Discussion (Including relationship to other Council actions)**28 January 1991 - Public Hearing

Bill Kohrman, Superintendent of Water Pollution Control Maintenance appeared before the Commission. Mr. Kohrman stated that the Commission had a copy of the staff report and felt that the information in the staff report explained the request. (The staff states that the city owns the adjacent properties and has developed the areas to the north, west and east. Currently this portion of Clay Street is only used by City employees and has little or no potential for public use. The City is requesting the vacation in order to make the area into parking for employees.)

There was no one else to speak in favor of or in opposition to the proposed vacation.

4 February 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**City of Fort Wayne  
City Department

Other

**Opponents****Groups or Individuals****Basis of Opposition****Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

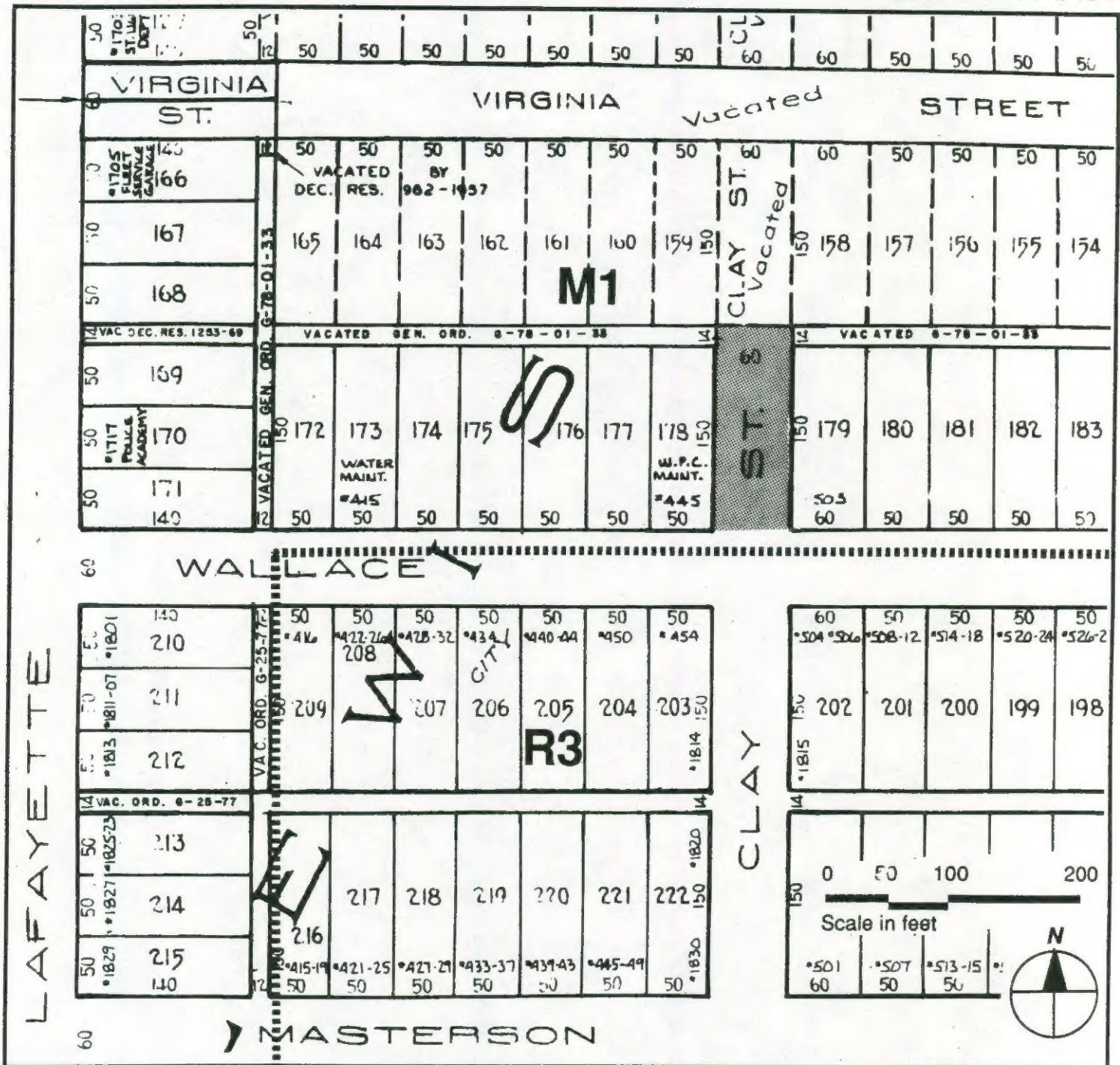
**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass



# VACATION PETITION

## AREA MAP

CASE NO. #454





Agent

Jerry Atherton

Water Resources

7th floor





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 13, 1991

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of  
February 16, 1991, in both the News Sentinel and Journal  
Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-91-01-38  
Street Vacation

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

*Sandra E. Kennedy*  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



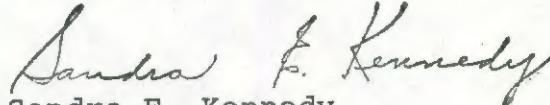
NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-91-01-38)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, February 26, 1991, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Clay Street from the North right-of-way of Wallace Street to the North right-of-way of vacated alley (General Ordinance I-33-1978) 164' North of right-of-way of Wallace Street bounded on the East by Lot 179 Lewis Addition and bounded on the West by Lot 178 of Lewis Addition.

All interested persons are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

  
Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 13, 1991

Terry Atherton  
Director of Water Resources  
7th Floor - Room 710  
City-County Building  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-91-01-38

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, February 26, 1991, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Clay Street north of Wallace Street  
between Lafayette & Monroe Streets  
Employee Parking

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk



FT. WAYNE COMMON COUNCIL  
(Governmental Unit)

To:

The Journal-Gazette

Dr.

Allen County, Indiana

P.O. Box 100  
Fort Wayne, IN

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

21 lines, 1 columns wide equals 21 equivalent lines  
at .33 cents per line

\$ 6.93

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 8.93

## DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Feb. 16, 1991

Title:

Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned PATTY JAMES who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:

2/16/91

Subscribed and sworn to before me this 16th day of Feb., 19 91

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-91-01-38)  
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, February 26, 1991, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:  
Clay Street from the North right-of-way of Wallace Street to the North right-of-way of vacated alley (General Ordinance I-33-1978) 164' North of right-of-way of Wallace Street bounded on the East by lot 179 Lewis Addition and bounded on the West by lot 178 of Lewis Addition.  
All interested persons are invited to appear and be heard.  
FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk



FT. WAYNE COMMON COUNCIL  
(Governmental Unit)  
Allen  
County, Indiana

To: The News-Sentinel  
P.O. Box 100  
Fort Wayne, IN

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

lines, columns wide equals 21 equivalent lines  
at 21 cents per line

\$ 6.93

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 8.93

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Feb. 16, 1991 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned PATTY JAMES who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time (s), the dates of publication being as follows:

2/16/91

Subscribed and sworn to before me this 16th day of Feb., 1991

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-91-01-38)  
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, February 26, 1991, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:  
Clay Street from the North right-of-way of Wallace Street to the North right-of-way of vacated alley (General Ordinance I-33-1978) 164' North of right-of-way of Wallace Street bounded on the East by Lot 179 Lewis Addition and bounded on the West by Lot 178 of Lewis Addition.  
All interested persons are invited to appear and be heard.  
FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk  
2--16